

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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Johnny N. Padilla,

Plaintiff,

v.

Kenith Kemper,

Defendant.

Case No. 2:24-cv-00665-GMN-DJA

**Order**

Under 28 U.S.C. § 1915 Plaintiff is proceeding in this action *pro se* and *in forma pauperis*. (ECF No. 4). On April 17, 2024, the Court granted Plaintiff's application to proceed *in forma pauperis* and screened his complaint. (*Id.*). In that order, the Court dismissed Plaintiff's complaint without prejudice and gave Plaintiff until May 17, 2024, to file an amended complaint. (*Id.*). It also sent Plaintiff a copy of the form complaint for a civil case. (ECF No. 4-1).

Plaintiff did not file an amended complaint by May 17, 2024. Instead, he filed a motion titled "defamation of character/or slander." (ECF No. 6). It is not clear what relief Plaintiff seeks through his motion or the basis for that relief. Instead, Plaintiff's motion includes a disjointed narrative that is hard to follow. Because the Court cannot tell what relief Plaintiff seeks, the Court denies Plaintiff's motion.

It is not clear if Plaintiff intended his motion to be his amended complaint. It appears that it is not, because Plaintiff wrote it on a motion form instead of the complaint form that the Court sent him and because it does not assert any causes of action. The Court thus declines to construe Plaintiff's motion as an amended complaint. However, the Court will give Plaintiff an additional thirty days to file an amended complaint.

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1           **IT IS THEREFORE ORDERED** that Plaintiff's motion for defamation of character or  
2 slander (ECF No. 6) is **denied**.

3           **IT IS FURTHER ORDERED** Plaintiff will have until **July 1, 2024**, to file an amended  
4 complaint if the deficiencies in his original complaint can be corrected. If Plaintiff chooses to  
5 amend the complaint, Plaintiff is informed that the Court cannot refer to a prior pleading (i.e., the  
6 original complaint) to make the amended complaint complete. This is because, generally, an  
7 amended complaint supersedes the original complaint. Local Rule 15-1(a) requires that an  
8 amended complaint be complete without reference to any prior pleading. Once a plaintiff files an  
9 amended complaint, the original complaint no longer serves any function in the case. Therefore,  
10 in an amended complaint, as in an original complaint, each claim and the involvement of each  
11 Defendant must be sufficiently alleged. **Failure to comply with this order will result in the**  
12 **recommended dismissal of this case.**

13           **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff  
14 a copy of the form Complaint for a Civil Case that can be found at  
15 <https://www.uscourts.gov/forms/pro-se-forms/complaint-civil-case>. Plaintiff may use this form to  
16 draft his amended complaint.

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18           DATED: May 30, 2024



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE